

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 16, 2001

At 9:33 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Davis, Associate Justice; Morrison, Associate Justice; and Rios, Bailiff. Calendar Called.

C032149 LAWSON et al. v. GALDER et al.

Cause called. Robert D. Nelson argued for appellants. Thomas T. McCormick argued for respondents. Cause submitted.

At 9:50 a.m., the court recessed. At 9:54 a.m., the court reconvened with Presiding Justice Scotland, and Associate Justice Davis. Associate Justice Nicholson was not present.

C033638 FRANCIS v. DEPARTMENT OF VOCATIONAL REHABILITATION et al.

Cause called. All counsel orally stipulated that Justice Nicholson could participate by cassette tape. Richard H. Francis argued In Pro Per. Paul Reynaga, Deputy Attorney General, argued for respondents. Cause submitted.

At 10:16 a.m., the court recessed. At 10:18 a.m., the court reconvened with Acting Presiding Justice Morrison, Associate Justice Callahan and Associate Justice Kolkey.

C033228 BANK OF STOCKTON et al. v. AUTO DEALERS ACCEPTANCE CORPORATION et al.

Cause called. Ned P. Telford argued for appellants. Greg L. Johnson argued for respondents. Jennifer L. McQuarrie appeared only. Cause submitted.

At 10:54 a.m., the court recessed. At 10:56 a.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Callahan.

C034115 STIGALL v. MARTIN et al.

Cause called. Arthur Stigall argued In Pro Per. Brant J. Bordsen argued for respondents. Cause submitted.

At 11:16 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Sims, and Associate Justice Morrison. Associate Justice Nicholson was not present.

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C033335 THE PEOPLE v. BROWN

Cause called. All counsel orally stipulated that Justice Nicholson could participate by cassette tape. Kenny N. Giffard argued for appellant. No appearance on behalf of respondent, argument having previously been waived. Cause submitted.

At 2:13 p.m., the court recessed until 9:30 a.m., Tuesday, April 17, 2001.

C034420 MORRISON (CRAMER) v. CRAMER

BY THE COURT:

Respondent's motion to dismiss the appeal is granted. The appeal filed December 13, 1999, is dismissed. (See Cal. Rules of Court, rule 41(c).)

Respondent shall recover costs on appeal.
SCOTLAND, P.J.

C034689 MORRISON (CRAMER) v. CRAMER

BY THE COURT:

Respondent's motion to dismiss the appeal is granted. The appeal filed January 19, 2000, is dismissed. (See Cal. Rules of Court, rule 41(c).)

Respondent shall recover costs on appeal.
SCOTLAND, P.J.

April 17, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Morrison, Associate Justice; and Conrad, Bailiff. Calendar Called.

C033332 THE PEOPLE v. IDLEMAN

Cause called. Candace Hale, court appointed counsel, argued for appellant and submitted additional citations. Lee Seale argued for respondent. Carlos A. Martinez, Supervising Deputy Attorney General, appeared only. Cause submitted.

At 10:12 a.m., the court recessed until 9:30 a.m., Wednesday, April 18, 2001.

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- C035153 THE PEOPLE v. WHITE (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Sims, J.
 Callahan, J.
- C035391 THE PEOPLE v. VELAZQUEZ (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C036063 THE PEOPLE v. HERRERA (Not for Publication)**
The judgment is reversed and remanded to the trial court to permit
defendant to withdraw his guilty plea if he elects to do so.
 RAYE, Acting P.J.
We concur: Morrison, J.
 Hull, J.
- C036131 THE PEOPLE v. WALKER (Not for Publication)**
The appeal is dismissed.
 CALLAHAN, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C036972 THE PEOPLE v. STURGES (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Raye, J.
 Morrison, J.
- C033893 WALLER, JR. v. CHAMBERS et al. (Not for Publication)**
The judgment is affirmed. Defendants, the Chamberses, shall recover
their costs on appeal.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Kolkey, J.

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- C035397 SETTLEMIRE v. SETTLEMIRE (Not for Publication)**
The orders appealed from are affirmed. Appellant R. Craig Settlemire is ordered to pay respondent Cheryl Anne Settlemire \$5,394.00, as and for sanctions for filing a frivolous appeal.
CALLAHAN, J.
We concur: Morrison, Acting P.J.
Kolkey, J.
- C037164 In re JOCELYN S. et al.; SUTTER COUNTY DEPARTMENT OF
HUMAN SERVICES v. CHANTAL L. (Not for Publication)**
The orders of the juvenile court are affirmed.
SIMS, J.
We concur: Blease, Acting P.J.
Callahan, J.
- C037443 THE PEOPLE v. VETTER**
BY THE COURT:
Pursuant to the written request of the appellant, the appeal filed January 10, 2001, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 38.)
SCOTLAND, P.J.

April 18, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Hull, Associate Justice; and Conrad, Bailiff. Calendar Called.

- C034321 In re MICHAEL WAYNE STEVENS on Habeas Corpus**
Cause called. George M. Hendrickson, Deputy Attorney General, argued for appellant. Cynthia Thomas, court appointed counsel, argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:57 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Morrison and Associate Justice Kolkey.

- C033172 YOUNG et al. v. RALEY'S INC.**
Cause called. Mark E. Merin argued for appellants. Fred J. Hiestand appeared only. Jeffrey S. Galvin argued for respondent. David F. Beach appeared only. Cause submitted.

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At 10:33 a.m., the court recessed. At 10:38 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison and Associate Justice Kolkey.

C032445 THE PEOPLE v. GARLAND

Cause called. Frank G. Prantil argued for appellant. David A. Rhodes, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:54 a.m., the court recessed. At 10:56 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Sims and Associate Justice Kolkey.

C032331 MANRIQUEZ v. STATE PERSONNEL BOARD et al.

Cause called. Kelley Stimpel Rasmussen made no appearance for appellant. No argument requested by Elise Rose, State Personnel Board, for Defendants-Respondents. Sally Yunghwa Kim argued for real parties in interest and respondents. Debra Ashbrook appeared only. Cause submitted.

At 11:02 a.m., the court recessed. At 11:06 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Raye.

C032830 In re MONICA LORRAINE ALLISON on Habeas Corpus

Cause called. Euell E. McKown III argued for petitioner and submitted additional citations. Patrick J. Whalen, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:27 a.m., the court recessed. At 2:01 p.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Callahan and Associate Justice Hull.

C032428 WILD GOOSE STORAGE, INC. v. ROSEVILLE LAND DEVELOPMENT ASSOCIATION

Cause called. Dennis W. DeCuir argued for appellant. Michael B. Day argued for respondent. Michael R. Nave argued for respondent. Stefanie Y. Gandolfi appeared only. Thomas G. Sanford appeared only. Cause submitted.

At 2:40 a.m., the court recessed until 9:30 a.m., Monday, April 23, 2001.

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- C029277 THE PEOPLE v. CALDERON and VELASQUEZ-PADILLA**
(Not for Publication)
The judgments of conviction are affirmed. Both matters are remanded, however, with directions to the trial court to reconsider its sentencing decisions consistent with the opinion expressed herein.
KOLKEY, J.
We concur: Morrison, Acting P.J.
Hull, J.
- C031265 THE PEOPLE v. COBBS**
(Not for Publication)
The judgment is affirmed.
CALLAHAN, J.
I concur: Morrison, J.
I concur in the opinion except part II-B, where I concur in the result.
Sims, Acting P.J.
- C034224 THE PEOPLE v. GUTIRREZ**
(Not for Publication)
The judgment is affirmed.
CALLAHAN, J.
We concur: Nicholson, Acting P.J.
Morrison, J.
- C034825 THE PEOPLE v. LO**
(Not for Publication)
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect the enhancements relating to counts six, seven, and eight (instead of counts one, two, and three), and to forward a certified copy of the amended abstract to the Department of Corrections.
KOLKEY, J.
We concur: Nicholson, Acting P.J.
Morrison, J.
- C035890 THE PEOPLE v. HILL**
(Not for Publication)
The judgment (order of probation) is affirmed.
BLEASE, Acting P.J.
We concur: Sims, J.
Callahan, J.
- C036358 THE PEOPLE v. GARCIA**
(Not for Publication)
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
Morrison, J.

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C035314 PRUITT v. DEPARTMENT OF MOTOR VEHICLES
(Not for Publication)

The judgment is affirmed.

DAVIS, J.

We concur: Blease, Acting P.J.
 Morrison, J.

C034691 In re ELISHA F.; THE PEOPLE v. ELISHA F.
(Not for Publication)

The judgment (order extending the commitment) is affirmed.

DAVIS, Acting P.J.

We concur: Nicholson, J.
 Morrison, J.

**C035533 In re ANNA N.; BUTTE COUNTY DEPARTMENT OF SOCIAL
WELFARE v. GORDON D. et al.**
(Not for Publication)

The orders are affirmed.

CALLAHAN, J.

We concur: Davis, Acting P.J.
 Nicholson, J.

**C036629 In re LOWELL S. et al.; DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. JAMIE S.**
(Not for Publication)

The judgment of the juvenile court is affirmed.

BLEASE, Acting P.J.

We concur: Sims, J.
 Callahan, J.

April 19, 2001

C032016 THE PEOPLE v. DAVENPORT, JR.
(Not for Publication)

The theft conviction and accompanying use enhancement (count VIII) are stricken. As modified, the judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Callahan, J.
 Hull, J.

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- C033186 THE PEOPLE v. DIAZ (Not for Publication)**
The conviction for transportation of heroin is affirmed. The judgment is modified by striking the two three-year terms imposed for the prior convictions and the matter is remanded to the superior court for further proceedings.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Hull, J.
- C033503 THE PEOPLE v. MORRISON (Not for Publication)**
The superior court is directed to amend the abstract of judgment to reflect that defendant was convicted in count one of violation of Penal Code section 243.4, subdivision (a), that he was convicted in count three of violation of Penal Code section 261, subdivision (a), that he received a six-year sentence for count three and that he received a concurrent three-year term for count one. The court is further directed to forward a copy of the amended abstract of judgment to the Department of Corrections. The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.
- C033766 THE PEOPLE v. ZINK (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.
- C034254 THE PEOPLE v. TRUJILLO (Not for Publication)**
The judgment on count three is reversed. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, including the correction specified in footnote 1, and to forward a certified copy to the Department of Corrections.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Hull, J.
- C035802 In re MIRANDA D. et al.; DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. MARY F. (Not for Publication)**
The orders of the juvenile court are affirmed.
MORRISON, J.
We concur: Scotland, P.J.
 Sims, J.

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Raye, J.